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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

MENDIRATTA, V

ART UNIT

PAPER NUMBER

3711

3

DATE MAILED: 01/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/369,804

Applicant(s)

Kouji Tanonake

Examiner
Vishu K. Mendlratta

Group Art Unit
3711



☒ Responsive to communication(s) filed on Sep 2, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-49 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-49 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 16-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 16: "variably transparent" is unclear.

Claim Rejections - 35 USC § 103

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-12, and 16-28 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Inoue.

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Inoue teaches a gaming console (Fig.1) having symbols, 1st images and 2nd images (Fig.2), one symbol visually seen through the other symbol (see abstract) for winning combination. The second set of symbols are fixed, static, have graphics in the windows. All limitations are inherent within Inoue reference. Applicant's claims 6,8,11,23,25,28 are broadly limited to "indicate" messages which would have been obvious in view to the second images of Inoue. One of ordinary skill in art at the time the invention was made would have indicated messages through second images.

6. Claims 13,29, and 32-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Bennett.

Inoue teaches all limitations of these claims except that it does not teach a second image being triggered by the occurrence of a combination. Bennett teaches a similar game where an animated second image is triggered by the occurrence of a special combination (abstract). In order to make the game interesting, it would have been obvious to apply such commonly known practices as demonstrated by Bennett. One of ordinary skill in art at the time the invention was made would have utilized a triggering of a second image on occurrence of a special combination. Applicant's claims 41,43 and 46 are broadly limited to "indicate" messages which would have been obvious in view to the second images of Inoue. One of ordinary skill in art at the time the invention was made would have indicated messages through second images.

7. Claims 14,15,30, 31 , 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Okada.

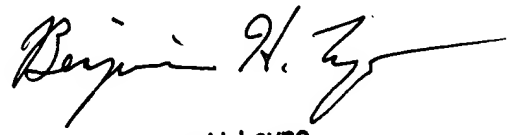
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Inoue teaches all limitations of these claims except that it does not teach video simulation , card symbols for playing poker. Okada teaches video simulation for displaying cards game for all types of combinations of cards (col.5, lines 55-65). In order to electronically display cards, it would have been obvious to use a video simulation which is applicable to displaying combination of cards. One of ordinary skill in art at the time the invention was made would have video simulation of combination of cards for electronic display.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu Mendiratta whose telephone number is (703) 306-5695. If attempts to reach the examiner are unsuccessful, the examiner's supervisor Jeanette Chapman, can be reached on (703)308-1310. The fax number of the organization where this application or proceeding is assigned is (703)305-3579. Any inquiry of general nature or relating to the status of the application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

VKM

January 12, 2001


Benjamin H. Layno
Primary Examiner